

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2584

SPONSOR: Health, Aging, and Long-Term Care Committee and Senator Diaz de la Portilla

SUBJECT: Medical Specialties

DATE: March 30, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HC</u>	<u>Fav/CS</u>
2.	_____	_____	<u>AHS</u>	_____
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill revises a prohibition against allopathic physicians holding themselves out as board-certified specialists unless the physicians have received formal recognition as a specialist or certification as a specialist by specified organizations or recognizing agencies approved by the Florida Board of Medicine. The bill adds a board of certification of the American Association of Physician Specialists, Inc.(AAPS), to the list of accepted recognizing agencies. To conform to the statutory recognition of AAPS as a certifying agency, the required information submitted by initial licensure applicants as part of practitioner profiling requirements is revised, to include any disciplinary action taken within the last 10 years by AAPS.

The American Board of Medical Specialties and the American Association of Physician Specialists, Inc., may not lower their standards for board certification. The Board of Medicine's authority to rescind its recognition of the American Board of Medical Specialties and the American Association of Physician Specialists, Inc., as specialty organizations, is limited to circumstances when the board establishes by clear and convincing evidence that certification standards have been adopted which affirmatively lower the requirements for specialty certification of that organization.

This bill amends sections 458.3312 and 456.039, Florida Statutes.

II. Present Situation:

Chapter 458, F.S., governs the practice of medicine in Florida. Under the chapter, the Florida Board of Medicine has authority to adopt rules for duties conferred upon it. The chapter prohibits a Florida-licensed medical physician from holding himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from a specialty

board of the American Board of Medical Specialties or another recognizing agency approved by the Florida Board of Medicine.¹ A physician is authorized to indicate the services offered and may state that his or her practice is limited to one or more types of services when this accurately reflects the scope of practice of the medical physician. The Florida Board of Medicine has adopted rules regarding advertising and the recognizing agencies currently approved by the board include:

- The American Board of Facial Plastic & Reconstructive Surgery, Inc. (Approved February 1997);
- The American Board of Pain Medicine (Approved August 1999);
- The American Association of Physician Specialists, Inc. (Approved February 2002).²

The Florida Board of Medicine rule prohibits a medical physician from stating or implying that the physician has received formal recognition as a specialist in any aspect of the practice of medicine unless the physician has in fact received such recognition and such recognizing agency is approved by the board. However, a physician may use on letterhead or in advertising a reference to the physician's specialty recognition received from a recognizing agency that has not been approved by the board only if the letterhead or advertising also contains in the same print size or volume the statement that "The specialty recognition identified herein has been received from a private organization not affiliated with or recognized by the Florida Board of Medicine."³

Chapter 456, F.S., provides the general regulatory requirements for health care professions under the Division of Medical Quality Assurance within the Department of Health. As part of practitioner profiling requirements, s. 456.039, F.S., requires physician licensure applicants to provide specified information at initial licensure, including a description of any final disciplinary action taken within the previous 10 years against the applicant by the agency regulating the profession that the applicant is or has been licensed to practice, whether in Florida or in any other jurisdiction, by a specialty board that is recognized by the American Board of Medical Specialties, the American Osteopathic Association, or a similar national organization, or by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home.

AAPS is a national not-for-profit medical association, which offers board certification and recertification exams in a number of medical specialties.⁴ Board certification is available from AAPS in anesthesiology, dermatology, diagnostic radiology, emergency medicine, family practice, geriatric medicine, internal medicine, obstetrics and gynecology, ophthalmology, orthopedic surgery, plastic and reconstructive surgery, psychiatry, radiological oncology, and surgery.

¹ See s. 458.3312, F.S.

² Rule 64B8-11.001, Florida Administrative Code.

³ Rule 64B8-11.001(2)(f), F.A.C.

⁴ See The American Association of Physician Specialists, Inc. cited at <<http://www.aapsga.org/index.html>>.

III. Effect of Proposed Changes:

Section 1. Amends s. 458.3312, F.S., relating to medical physicians, to revise a prohibition on a medical physician holding himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from a specialty board of the American Board of Medical Specialties or another recognizing agency approved by the Florida Board of Medicine, to also include a board of certification of the AAPS. The American Board of Medical Specialties and the American Association of Physician Specialists, Inc., may not lower their standards for board certification. The Board of Medicine's authority to rescind its recognition of the American Board of Medical Specialties and the American Association of Physician Specialists, Inc., as specialty organizations, is limited to circumstances when the board establishes by clear and convincing evidence that certification standards have been adopted which affirmatively lower the requirements for specialty certification of that organization.

Section 2. Amends s. 456.039, F.S., relating to practitioner profiling requirements, to revise specified information submitted by physician applicants for initial licensure, to also include a description of any final disciplinary action taken within the previous 10 years against the applicant by AAPS.

Section 3. Provides an effective date upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
